

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Establishment of Policies and Service Rules)	IB Docket No. 01-96
for the Non-Geostationary Satellite Orbit,)	
Fixed Satellite Service in the Ku-band)	

REPLY COMMENTS OF PANAMSAT CORPORATION

PanAmSat Corporation (“PanAmSat”), by its attorneys, hereby replies to the comments of SkyBridge L.L.C. (“SkyBridge”) concerning the Commission’s Further Notice of Proposed Rulemaking (“FNPRM”) in the above-captioned proceeding.¹

DISCUSSION

In this proceeding, the Commission has adopted rules governing intra-service sharing among non-geostationary satellite orbit (“NGSO”) fixed satellite service (FSS”) systems operating in the Ku-band.² The FNPRM proposes a methodology by which NGSO FSS applicants can demonstrate whether they satisfy the aggregate power flux density limits for interference to geostationary-satellite orbit (“GSO”) systems also operating in the Ku-band.³ The

¹ *In the Matter of the Establishment of Policies and Service Rules for the Non-Geostationary Satellite Orbit, Fixed Satellite Service in the Ku-band*, Report and Order and Further Notice of Proposed Rulemaking, FCC 02-123, 17 FCC Rcd. 7841 (2002) (“FNPRM”).

² *Id.*

³ *Id.* at ¶ 3. See also *Amendment of Parts 2 and 25 of the Commission’s Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial systems in the Ku-Band Frequency Range*, First Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd. 4096 (2000) (“*First Report and Order*”).

Commission's proposal is consistent with the methodology developed by the ITU-R Working Party 4A.⁴

PanAmSat and SkyBridge both have supported the Working Party 4A recommendation and, therefore, PanAmSat has no issue in this proceeding with SkyBridge concerning the aggregate interference methodology that should be applied. PanAmSat disagrees with SkyBridge, however, as to when licensees should be required to apply this methodology to demonstrate compliance with the aggregate limits.

In the FNPRM, the Commission proposed that licensees make an aggregate interference showing either six months prior to launch of an NGSO FSS system's first spacecraft or at the time of critical design review. SkyBridge rejects both of these proposals. Rather, based on the fact that it takes at least 3.5 NGSO FSS systems to exceed the aggregate limits, SkyBridge suggests that the Commission "not require a demonstration of compliance until a fourth NGSO FSS system seeks to deploy."⁵

SkyBridge's proposal overlooks the practicalities of the licensing process. Under SkyBridge's approach, three NGSO FSS systems could be constructed, launched, and operating for years before - by virtue of a fourth system coming on line - they would have to show compliance with the aggregate limits. If at that stage it were determined that the NGSO FSS systems did not comply with the aggregate limits, the Commission would be placed in an impossible position. Its ability to take corrective action would be limited, because it would be too late to implement design changes in the three systems that had already been launched. Moreover, the corrective measures that it could require the licensees

⁴ See Draft New Recommendation ITU-R S.[Doc 4/62 (Rev.1)], "Methodologies for calculating aggregate EPFD_{down} produced by multiple non-GSO FSS stems into a GSO FSS network," Nov. 19, 2001.

⁵ SkyBridge Comments at 7.

of those three systems to take, such as reducing power, would be likely to have an adverse impact on the customers who had come to rely on the systems' services.⁶

The Commission can avoid this dilemma by requiring an aggregate limit showing at an earlier stage. Accordingly, and for the reasons discussed in PanAmSat's initial comments, NGSO FSS licensees should have to demonstrate compliance with the aggregate limit at the earlier of: (1) critical design review; and (2) one and one-half years prior to the launch of an NGSO FSS system's first satellite. For reasons also discussed in PanAmSat's initial comments, the Commission should condition all NGSO FSS licenses on compliance with the aggregate limits, making clear to NGSO FSS licensees that there is an additional regulatory requirement they must satisfy before they may operate their systems.

⁶ Cf. *In the Matter of the Applications of Intelsat LLC; For Authority to Operate, and to Further Construct, Launch, and Operate C-band and Ku-band Satellites that Form a Global Communications System in Geostationary Orbit*, File Memorandum Opinion and Order, 15 FCC Rcd 15460, 15484-94 (granting waivers of the Commission's technical rules, among other reasons, because satellites were substantially constructed and the cost of redesigning, remanufacturing, and reassembling them would amount to tens of millions of dollars).

In order for the aggregate limits to be meaningful, the Commission needs to evaluate compliance with the limits on aggregate power flux density before the point when it is virtually powerless to take corrective action.⁷

Respectfully submitted,

PANAMSAT CORPORATION

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October 15, 2002

⁷ Cf. *In the Matter of the Applications of Intelsat LLC; For Authority to Operate, and to Further Construct, Launch, and Operate C-band and Ku-band Satellites that Form a Global Communications System in Geostationary Orbit*, File Memorandum Opinion and Order, 15 FCC Rcd 15460, 15484-94 (granting waivers of the Commission's technical rules, among other reasons, because satellites were substantially constructed and the cost of redesigning, remanufacturing, and reassembling them would amount to tens of millions of dollars).

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent by first-class mail, postage prepaid, this 15th day of October, 2002, to the following:

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/s/ Julie Read

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